IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5150 OF 2005

Neelima Nilesh Pandit ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. P.R. Arjunwadkar for the Applicant.
Ms S. D. Shinde, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 22, 2005.

P.C.:

1. The Applicant is the co-accused in an offene registered under section 302 read with section 34 of the Indian Penal Code.

2. The learned Counsel for the Applicant submitted that except for the suspicion, there is no material available against the Applicant and the alleged writing of the Applicant which is relied upon by the prosecution is obviously obtained during the time when the Applicant was in custody. He submitted that the Applicant is a woman having four year old child and has been in custody from 09th December, 2004. He submitted that after filing of chargesheet, there is no reason why the Applicant should be continued in the custody. The learned A.P.P. has placed on record the relevant material against the Applicant.

2. It appears that the entire evidence available

against the Applicant is a circumstantial evidence. Perusal of the documents produced alongwith the chargesheet show that there is enough material on record to connect the Applicant with the brutal offence of murder of her husband. Apart from the other evidence, there is statement of maid-servant. The statement of maid-servant is an important material available to the prosecution. Though there is a failure to record the statement of father-in-law of the Applicant, it is obvious that there is some explanation for non-recording of his statement. The case of the prosecution is that the father-in-law of the Applicant is suffering from paralysis and co-accused Kadam with whom the Applicant has allegedly a relationship was employed to look after the father-in-law of the Applicant.

3. Considering the material on record, no case is made for enlarging the Applicant on bail.

4. Application is rejected. If a Fast Track Court is available, the learned Sessions Judge will entrust the trial to Fast Track Court. The trial shall be disposed of as High Court expediated case. In case the trial is not concluded within a reasonable time, the Applicant will be free to apply for grant of bail.

JUDGE